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April 11, 2002

BY HAND

William Caton, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W. - Suite TW-A325  
Washington, D.C. 20554

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APR 11 2002

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY


Re: *Oral Ex Parte Presentation*  
In the Matter of Performance Measurements and Standards for Interstate  
Special Access Services, CC Docket No. 01-321

Dear Ms. Salas:

On April 10, 2002, the Joint Competitive Industry Group (JCIG) met with members of FCC staff to discuss the above-referenced proceeding. The members of the Joint Competitive Industry Group attending the meeting included: Lisa Youngers, WorldCom, Inc. and A. Richard Metzger, Jr., counsel to WorldCom, Inc.; Pat Merrick, AT&T and James Casserly, counsel to AT&T; Audrey Wright, Cable & Wireless; Kelsi Reeves and Don Shephard, Time Warner Telecom, Cathy Massey, XO Communications; Dick Metzger, Focal Communications; Brian Moir, Moir and Hardman, counsel to eTUG; Douglas Jarrett, Keller and Heckman, counsel to the American Petroleum Institute; and Tiki Gaugler, ALTS. The FCC staff participating in the meeting included: Whitey Thayer, John Stanley, Cathy Zima, Jerome Stanshine, Uzoma Onyeije, Mark Stone, Renee Crittendon, Daniel Shiman, Behzad Ghaffari, Jonathan Kraushaar, Ben Childers, and Scott Bergmann. Members of the JCIG, *inter alia*, described the group's proposed special access metrics, the FCC's legal authority to adopt those metrics, and the basis for the specific proposed requirements. Members of the group also discussed the material contained in the enclosed documents.

Pursuant to section 1.1206(b)(1) of the Commission's rules, 47 C.F.R. § 1.1206(b)(1), an original and one copy of this letter and enclosures are being provided to you for inclusion in the public record of the above-referenced proceeding.

Sincerely,



A. Richard Metzger, Jr.

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List ABCDE

William Caton  
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cc: Scott Bergmann  
Ben Childers  
Renee Crittendon  
Behzad Ghaffari  
Jonathan Kraushaar  
Uzoma Onyeije  
Daniel Shiman  
John Stanley  
Jerome Stanshine  
Mark Stone  
Whitey Thayer  
Cathy Zima

Enclosures

## Summary of Cable & Wireless Complaint Against Verizon

<b>Relevant Statutory Provision</b>	<b>C&amp;W Position</b>	<b>Verizon Response</b>
<p><b>Tariff Violation:</b></p> <p><b>Section 203:</b> Every common carrier shall abide by the terms and conditions established in its tariffs.</p>	<p>Verizon violates the terms of its tariff by failing to provide special access services within the 9-day and 20-day standard intervals, or by the Firm Order Commitment (FOC) date.</p>	<p>Verizon has no legal obligation to provision special access services within the intervals referred to in the tariff. These intervals represent the <i>minimum</i> number of days Verizon requires to provision the order.</p>
<p><b>Unjust and Unreasonable Practice:</b></p> <p><b>Section 201(b):</b> Charges, practices, classifications, and regulations for and in connection with communications services shall be just and reasonable.</p>	<p>Verizon repeatedly fails to provision special access service to C&amp;W by the FOC date and within the standard intervals. Moreover, Verizon is required to conduct a facilities check prior to issuing a FOC, a substantial number of installation appointments are missed due to facilities not being available. These practices are unjust and unreasonable under section 201(b).</p>	<p>Verizon has no legal obligation to provision special access services by the FOC date. The actual due date depends on the availability of necessary facilities. If facilities are not available, Verizon is not required to provision C&amp;W's orders within any specific time frame.</p>
<p><b>Discriminatory Conduct:</b></p> <p><b>Section 201(b):</b> (same as above)</p> <p><b>Section 202(a):</b> Prohibits unjust or unreasonable discrimination for or in connection with "like" communications services.</p> <p><b>Section 251(g):</b> Requires LECs to provide exchange access and exchange services to IXC's in accordance with the equal access and nondiscrimination interconnection restrictions and obligations established under the MFJ.</p> <p><b>Section 272(c)(1):</b> Prohibits BOCs from discriminating between their affiliate and any other entity in the provision or procurement of goods, facilities, and information.</p> <p><b>Section 272(e):</b> Imposes specific nondiscrimination requirements pertaining to BOC provision of telephone exchange service and exchange access.</p>	<p>The data demonstrate that Verizon consistently provides better service to its own retail customers than to C&amp;W. For example, Verizon continues to miss between 25-30% of C&amp;W's installation appointments. By contrast, Verizon's on-time performance for its retail customers in states such as New York, Massachusetts, and Pennsylvania consistently reaches the 95% range.</p>	<p>Special access services provided to end-users and IXC customers are not "like" services. Thus, Verizon's retail performance cannot be compared to its wholesale performance to demonstrate discriminatory provisioning. Moreover, when other factors—such as CNRs—are taken into account, the data reveal that Verizon's end user and IXC customers received the same level of service.</p>

## ACCESS SERVICE

5. Ordering Options for Switched and Special Access Service (Cont'd)5.2 Access Order (Cont'd)

To estimate the amount of traffic to be generated to or from each end office subtending the entry switch or tandem, the BHMC may be determined by the customer in the following manner. For each day the customer shall determine the highest number of minutes of use for a single hour (e.g., 55 minutes in the 10-11 AM hour). The customer shall, for the same hour period (i.e. busy hour) pick the twenty consecutive business days in a calendar year which add up to the largest number of minutes of use. Both originating and terminating minutes shall be included. The customer shall then determine the average busy hour minutes of capacity (i.e. BHMC) by dividing the largest number of minutes of use figure for the same hour period for the consecutive twenty business day period by 20. This computation shall be performed for each end office subtending an entry switch or tandem to which service is ordered. When Switched Access Service is ordered in trunks, the trunks may be determined by the customer in the following manner. For each day the customer shall determine the highest number of trunks in use for a single hour. The customer shall, for the same hour period (i.e., busy hour), pick the twenty consecutive business days in a calendar year which add up to the largest number of trunks in use. The customer shall then determine the average busy hour trunks by dividing the largest number of trunks in use figure, for the same hour period, for the consecutive twenty business day period by 20. This computation shall be performed for each end office and/or access tandem the customer wishes to serve.

Where the Special Access Service is exempt from the Special Access Surcharge as set forth in Section 7.4.2, following, the customer shall furnish with the order the certification as set forth in Section 7.4.2, following.

5.2.1 Access Order Service Date Intervals

Access Service is provided with one of the following Service Date Intervals:

- Standard Interval
- Negotiated Interval

(This page filed under Transmittal No. 23)

Issued: April 13, 2001

Effective: April 28, 2001

Vice President  
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## ACCESS SERVICE

5. Ordering Options for Switched and Special Access Service (Cont'd)5.2 Access Order (Cont'd)5.2.1 Access Order Service Date Intervals (Cont'd)

To the extent the Access Service can be made available with reasonable effort, the Telephone Company will provide the Access Service in accordance with the customer's requested interval, subject to the following conditions:

(A) Standard Interval

The Telephone Company shall publish and make available to all customers a schedule of Standard Intervals applicable for Switched and Special Access Services. The schedule specifies the services and the quantities of services that can be provided in the Standard Intervals. Individual copies of the "Verizon Schedule of Standard Intervals" will be made available to customers upon request.

Access Services provided in a Standard Interval will be installed during Telephone Company business days. If a customer requests that installation be done outside of scheduled work hours, and the Telephone Company agrees to this request, the customer will be subject to applicable Additional Labor Charges as set forth in 13.2.6 following.

(B) Negotiated Interval

The Telephone Company will negotiate a service date interval with the customer when:

- (1) There is no Standard Interval for the service, or
- (2) The customer requests a service date before or beyond the applicable Standard Interval service date, or
- (3) The quantity of Access Services ordered exceeds the quantities specified in the Standard Intervals.

(This page filed under Transmittal No. 23)

Issued: April 13, 2001

Effective: April 28, 2001

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ACCESS SERVICE

5. Ordering Options for Switched and Special Access Service (Cont'd)

5.2 Access Order (Cont'd)

5.2.1 Access Order Service Date Intervals (Cont'd)

(B) Negotiated Interval (Cont'd)

The Telephone Company will offer a service date based on the type and quantity of Access Services the customer has requested. The Negotiated Interval may not exceed by more than six months the Standard Interval Service date, or, when there is no Standard Interval, the Telephone Company offered service date.

All part-time Television and Program Audio services are provided with a Negotiated Interval. Each service is subject to a service inquiry. A service inquiry is a request to the Telephone Company to determine if facilities exist to provide the service ordered and to determine the service date on which the service can be provided to the customer.

All services for which rates are applied on an individual case basis are provided with a Negotiated Interval.

(This page filed under Transmittal No. 23)

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## ACCESS SERVICE

5. Ordering Options for Switched and Special Access Service (Cont'd)5.2 Access Order (Cont'd)

In New Hampshire, in compliance with the Public Utilities Commission's Order in Docket 86-310, intraLATA traffic will be blocked from those carriers who do not have a certificate of public convenience and an effective intrastate tariff. In such cases intraLATA traffic will be completed by Verizon New England Inc.

In Maine, in compliance with the Public Utilities Commission's Order in Docket 86-237, intraLATA traffic will be blocked from those carriers who do not have a certificate of public convenience and an effective intrastate tariff. In such cases intraLATA traffic will be completed by Verizon New England Inc.

Where the Special Access Service is exempt from the Special Access Surcharge as set forth in 7.4.2. following, the customer shall furnish with the order the certification as set forth in that section.

5.2.1 Access Order Service Date Intervals

Access Service is provided with one of the following Service Date Intervals:

- Standard Interval
- Negotiated Interval

To the extent the Access Service can be made available with reasonable effort, the Telephone Company will provide the Access Service in accordance with the customer's requested interval, subject to the following conditions.

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(TR 24)

Issued: April 13, 2001

Effective: April 28, 2001

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## ACCESS SERVICE

5. Ordering Options for Switched and Special Access Service (Cont'd)5.2 Access Order (Cont'd)5.2.1 Access Order Service Date Intervals (Cont'd)(A) Standard Interval

The Telephone Company shall publish and make available to all customers at the time orders are placed, a schedule of Standard Intervals applicable for Switched and Special Access Services. The schedule specifies the services and quantities that can be provided within the Standard Intervals. The Access Order Standard Intervals are contained in Access Service Interval Guides published by Verizon New England Inc. and Verizon New York Inc. for their respective customers. Any relevant associated material will be made available upon request within a reasonable time.

Access Services provided in a Standard Interval will be installed during Telephone Company business days. If a customer requests that installation be done outside of normal scheduled work hours, and the Telephone Company agrees to this request, the customer will be subject to applicable Additional Labor Charges as set forth in 31.13 following.

When placing an Access Order for service(s) for which Standard Intervals exist, a customer may request a service date that is prior to the Standard Interval service date. A customer may also request an earlier service date on a pending Standard Interval Access Order. The Telephone Company will agree to the customer's request if it determines it can accommodate the customer's request within normal business hours without delaying service dates for orders of other customers. Such requests will be granted on a first-come first-serve basis at no additional charge to the customer. If the Telephone Company is unable to accommodate the customer's request within normal business hours without delaying service dates for other customers, the customer will be given the option to have the installation done outside the normal scheduled

(TR 24)

Issued: April 13, 2001

Effective: April 28, 2001

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## ACCESS SERVICE

5. Ordering Options for Switched and Special Access Service (Cont'd)5.2 Access Order (Cont'd)5.2.1 Access Order Service Date Intervals (Cont'd)(A) Standard Interval (Cont'd)

work hours. The customer will be subject to the applicable Additional Labor Charges as set forth in 31.13 following. In no case will the charge for Additional Labor exceed twenty five percent of the total nonrecurring charge associated with the Access Order.

If costs other than any applicable Additional Labor (i.e., overtime labor) are to be incurred when a service date on an Access Order is established that is prior to the Standard Interval, the Telephone Company will develop and quote such costs to the customer, obtain customer authorization and bill the customer in accordance with the special construction terms and conditions of THE VERIZON TELEPHONE COMPANIES TARIFF F.C.C. NO. 13.

A Service Date Change Charge as set forth in 5.2.2(A) following will apply for the change in service date on a pending Standard Interval Access Order.

(B) Negotiated interval

The Telephone Company will negotiate a service date interval with the customer when:

- (1) There is no Standard Interval for the service; or
- (2) The quantity of Access Services ordered exceeds the quantities specified in the Standard Intervals described in the Access Service Interval Guides as set forth in (A) preceding; or
- (3) The customer requests a service date which is prior to, or beyond, the applicable Standard Interval service date; or
- (4) The customer requests the initial establishment of Switched Access Service to provide operator services; or

(TR 24)

Issued: April 13, 2001

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## ACCESS SERVICE

5. Ordering Options for Switched and Special Access Service (Cont'd)5.2 Access Order (Cont'd)5.2.1 Access Order Service Date Intervals (Cont'd)(B) Negotiated Interval (Cont'd)

- (5) The customer requests WATS Access Line Service with Answer Supervision or E&M Supervisory Signaling; or
- (6) When NYNEX Electronic White Pages Service is ordered in conjunction with INFOPATH packet switching service.
- (7) In Verizon New York Inc., the customer requests Inward Operator Services, or in Verizon New England Inc., the initial establishment of Inward Operator Services.
- (8) When Network Reconfiguration Service is ordered in conjunction with Special Access Service in Verizon New England Inc..
- (9) When the customer requests the initial establishment of NYNEX Enterprise Service at each customer designated premises.
- (10) The customer requests an Expanded Interconnection multiplexing node. In Verizon New England Inc., the Negotiated Interval will not exceed a maximum of six (6) months for a Fiber Optic Expanded Interconnection multiplexing node.
- (11) When the customer requests the initial establishment of Voice Grade Service or DIGIPATH digital service II with the Fiber Based Channel Termination option.
- (12) When the customer requests a SONET Service as set forth in Section 26. following.

The Telephone Company will offer a service date based on the type and quantity of Access Services the customer has requested. The Negotiated Interval may not exceed by more than six months the Standard Interval service date, or, when there is no Standard Interval, the Telephone Company offered service date.

(TR 24)

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VERIZON EAST  
SPECIAL ACCESS INTERVALS / PROJECT GUIDELINES

1.0 - GENERAL

The intervals listed in the following tables depict the minimum number of business days required to provide Special Access Services as specified in the FCC tariffs. These intervals will also apply to the same services provided for the corridor service. Services or quantities without specific listing in the table or jointly provided with another telephone company, will be provided with negotiated Intervals as set forth in section 5 of FCC Tariff No. 1 and FCC Tariff No. 11.

Definitions of the Provisioning Critical Dates listed in the table are as follows:

- Application Date (APP): The date the customer provides a firm commitment and a quality ASR with sufficient and accurate information on the ASR, as detailed in Section 5 of FCC Tariff No.1 and FCC Tariff No.11. This is the order date and is considered day number zero in the overall interval.
- Service Date (DD) : The date on which the service is to be made available to the customer. This is sometimes referred to as the Due Date.

STANDARD MINIMUM INTERVAL TABLE

1.10 – SPECIAL ACCESS SERVICES (See Notes)

TYPE OF SERVICE	LINES/CIRCUITS QUANTITIES	TOTAL SERVICE INTERVAL ( Business Days)
<u>Voice Grade Services</u>	1 - 24	9
	25+	Negotiated Project*
<u>WATS Access Services</u>	1 - 24	9
	25+	Negotiated Project *
<u>Digital Data Services</u>	1 - 24	9
	25+	Negotiated Project *
Note 1 - The Date Due will be confirmed subject to an availability of necessary facilities. Where Facilities do not exist, an interval will be negotiated.		

\* Provided under Negotiated Interval as set forth in Section 5 of FCC Tariff No. 1 and FCC Tariff No. 11.

STANDARD MINIMUM INTERVAL TABLE

1.20 – HIGH CAPACITY SPECIAL ACCESS SERVICES (See Notes)

TYPE OF SERVICE	LINES/CIRCUITS QUANTITIES	TOTAL SERVICE INTERVAL ( Business Days)
<u>High Capacity DS1</u> (Includes Point to Point and Mux Systems)	1 - 8	9
	9 +	Negotiated Project*
<u>High Capacity DS3</u> (Includes Point to Point and Mux Systems)	1 - 4	20
	5 +	Negotiated Project*
Optical Services (IEF/IDSR)	ALL	Negotiated with Verizon Acct. Manager
<p>Note 1 - No day zero due date orders will be accepted.</p> <p>Note 2 - The Due Date will be confirmed subject to an availability of necessary facilities. Where Facilities do not exist, then an interval will be negotiated.</p> <p>Note 3 - These intervals will include Wireless Services where the Buildings and Sites already exists. If this is a new Site and /or no Building exists, then the Site Survey Process must be followed and the interval will be negotiated.</p> <p>Note 4 - The DS1 Interval includes a three (3) day facility check, this will ensure the date that is provided on the FOC will be as reliable as possible.</p> <p>Note 5 - The DS3 Interval includes a five (5) day facility check, this will ensure the date that is provided on the FOC will be as reliable as possible.</p> <p>Note 6 - In the near future, VERIZON will be developing expedite charges that will apply for service requests less than the standard interval.</p>		

\* Provided under Negotiated Interval as set forth in Section 5 of FCC Tariff No. 1 and FCC Tariff No. 11.